

DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

A SYSTEM FOR CELL-BASED SCREENING

the specification of which is attached hereto unless the following space is checked:

☒ was filed on February 27, 1998 as United States Application Serial Number 09/031,271

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR § 1.56.

I hereby claim foreign priority benefits under 35 U.S.C. § 119(a)-(d) or § 365(b) of any foreign application(s) for patent or inventor's certificate, or § 365(a) of any PCT international application which designated at least one country other than the United States, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application(s):

	<u>Number</u>	<u>Country</u>	<u>Day/Month/Year Filed</u>
1.			

I hereby claim the benefit under 35 U.S.C. § 119(e) of any United States provisional application(s) listed below:

	<u>Application Number</u>	<u>Filing Date</u>
1.	60/069,246	December 11, 1997
2.	60/069,329	December 11, 1997

I hereby claim the benefit under 35 U.S.C. § 120 of any United States application(s), or § 365(c) of any PCT international application designating the United States, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT international application in the manner provided by the first paragraph of 35 U.S.C. § 112, I acknowledge the duty to disclose information which is material to patentability as defined in 37 C.F.R. § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

	<u>Application Number</u>	<u>Filing Date</u>	<u>Status: patented, pending, abandoned</u>
1.	08/810,983	February 27, 1997	Pending
2.	08/865,341	May 29, 1997	Pending

I hereby appoint the following attorneys and agent(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

Denis A. Berntsen	Reg. No. 26707	Curt J. Whitenack	Reg. N . 36054
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Daniel A. Boehnen	Reg. No. 28399	Michael S. Greenfield	Reg. No. 37142
Bradley J. Hulbert	Reg. No. 30130	Mark Chao	Reg. No. 37293
Paul H. Berghoff	Reg. No. 30243	Roger P. Zimmerman	Reg. No. 38670
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David M. Frischkorn	Reg. No. 32833	Patrick G. Gattari	Reg. No. 39682
James C. Gumina	Reg. No. 32898	Audrey L. Bartnicki	Reg. No. 40499
A. Blair Hughes	Reg. No. 32901	Amir N. Penn	Reg. No. 40767
Thomas A. Fairhall	Reg. No. 34591	Patrick J. Halloran (agent)	Reg. No. 41053
Emily Miao	Reg. No. 35285	Joshua R. Rich	Reg. No. 41269
Kevin E. Noonan	Reg. No. 35303	Thomas E. Wettermann	Reg. No. 41523
Leif R. Sigmond, Jr.	Reg. No. 35680	Robert J. Irvine	Reg. No. P41865
Lawrence H. Aaronson	Reg. No. 35818	David S. Harper (agent)	Reg. No. P42636
Matthew J. Sampson	Reg. No. 35999	G. Kenneth Smith	Reg. No. P43135

Address all telephone calls to David Harper at (312) 913-0001.

Address all correspondence to MCDONNELL BOEHNEN HULBERT & BERGHOFF, 300 South Wacker Drive, Chicago, Illinois 60606 USA.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor (given name, family name):

Inventor's signature:

R. Terry Dunlop

Date:

4/2/98

Residence:

US

Citizenship:

US

Post Office Address:

Cellomics, Inc.
635 William Pitt Way
Pittsburgh, PA 15238

Full name of second joint inventor, if any (given name, family name):

Inventor's signature:

D. Lansing Taylor

Date:

4/2/98

Residence: US
Citizenship: US
Post Office Address: Cellomics, Inc.
635 William Pitt Way
Pittsburgh, PA 15238

Full name of third joint inventor, if any (given name, family name):

Inventor's signature: Albert H. Gough
Albert H. Gough

Date: 4/2/98

Residence: US
Citizenship: US
Post Office Address: Cellomics, Inc.
635 William Pitt Way
Pittsburgh, PA 15238

Full name of fourth joint inventor, if any (given name, family name):

Inventor's signature: Kenneth A. Giuliano
Kenneth A. Giuliano

Date: 4/2/98

Residence: US
Citizenship: US
Post Office Address: Cellomics, Inc.
635 William Pitt Way
Pittsburgh, PA 15238

ASSIGNMENT

Case No.: 97,022-B
Inventors: Dunlay et al.
Date of Execution
of Application:

Serial No.: 09/018,757

Filing Date: February 27, 1998

In consideration of One Dollar (\$1.00) and other good and valuable considerations in hand paid, the receipt and sufficiency whereof are hereby acknowledged, the undersigned hereby assign to:

Cellomics, Inc., a corporation of the state of Pennsylvania

its successors and assigns, the entire right, title and interest in the invention or improvements of the undersigned disclosed in an application for Letters Patent of the United States, entitled:

and identified as:

A SYSTEM FOR CELL-BASED SCREENING

Case No. 97,022-B

in the offices of McDONNELL BOEHNEN HULBERT & BERGHOFF and in said application and any and all other applications, both United States and foreign, which the undersigned may file, either solely or jointly with others, on said invention or improvements, and in any and all Letters Patent of the United States and foreign countries, which may be obtained on any of said applications, and in any reissue or extension of such patents, and further assigns to said assignee the priority right provided by the International Convention.

The undersigned hereby authorize and request the Commissioner of Patents and Trademarks to issue said Letters Patent to said assignee.

The undersigned hereby authorize and request the attorneys of record in said application to insert in this assignment the filing date and serial number of said application when officially known, and the date of execution of the application.

The undersigned warrant themselves to be the owners of the entire right, title and interest in said invention or improvements and to have the right to make this assignment, and further warrant that there are no outstanding prior assignments, licenses, or other encumbrances on the interest herein assigned.

For said considerations the undersigned hereby agree, upon the request and at the expense of said assignee, its successors and assigns, to execute any and all divisional, continuation and substitute applications for said invention or improvements, and any necessary oath, affidavit or declaration relating thereto, and any application for the reissue or extension of any Letters Patent that may be granted upon said application and any and all applications and other documents for Letters Patent in foreign countries on said invention or improvements, that said assignee, its successors or assigns may deem necessary or expedient, and for the said considerations the undersigned authorize said assignee to apply for patents for said invention or improvements in its own name in such countries where such procedure is proper and further agree, upon the request of said assignee, its successors and assigns, to cooperate to the best of the ability of the undersigned with said assignee, its successors and assigns, in any proceedings or transactions involving such applications or patents, including the preparation and execution of preliminary statements, giving and producing evidence, and performing any and all

other acts necessary to obtain, maintain and enforce said Letters Patent, both United States and foreign, and vest all rights therein hereby conveyed in the assignee, its successors and assigns, whereby said Letters Patent will be held and enjoyed by the said assignee, its successors and assigns, to the full end of the term for which said Letters Patent will be granted, as fully and entirely as the same would have been held and enjoyed by the undersigned if this assignment had not been made.

WITNESS my hand and seal this 2 day of April, 1998.

R. Terry Dunlay
R. Terry Dunlay

State of Pennsylvania
County of Allegheny

The foregoing instrument was acknowledged before me this 2nd day of April, 1998 by R. Terry Dunlay.

Sara E. Naccarato
NOTARY PUBLIC

Notarial Seal
Sara E. Naccarato, Notary Public
Harmar Twp., Allegheny County
My Commission Expires Jan. 22, 2001
Member, Pennsylvania Association of Notaries

WITNESS my hand and seal this 2 day of April, 1998.

D. Lansing Taylor
D. Lansing Taylor

State of Pennsylvania
County of Allegheny

The foregoing instrument was acknowledged before me this 2nd day of April, 1998 by D. Lansing Taylor.

Sara E. Naccarato
NOTARY PUBLIC

Notarial Seal
Sara E. Naccarato, Notary Public
Harmar Twp., Allegheny County
My Commission Expires Jan. 22, 2001
Member, Pennsylvania Association of Notaries

WITNESS my hand and seal this 2 day of April, 1998.

Albert H. Gough
Albert H. Gough

State of Pennsylvania

County of Allegheny

The foregoing instrument was acknowledged before me this 2nd day of

April, 1998 by Albert H. Bough

Sara Naccarato
NOTARY PUBLIC

Notarial Seal
Sara E. Naccarato, Notary Public
Harmar Twp., Allegheny County
My Commission Expires Jan. 22, 2001
Member, Pennsylvania Association of Notaries

WITNESS my hand and seal this 2 day of April, 1998.

Kenneth A. Giuliano
Kenneth A. Giuliano

State of Pennsylvania

County of Allegheny

The foregoing instrument was acknowledged before me this 2nd day of

April, 1998 by Kenneth A. Giuliano

Sara Naccarato
NOTARY PUBLIC

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